

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 778 OF 2020

Arun Kumar Saha .. Applicant
Versus
The Union of India and anr .. Respondents
...

Mr. Niranjan Mundargi with Omneel Jadhav, Devesh Juvekar, Kavita Brid Chavan, Unnati Vijay and H. Chandnani i/b Rajani Associates for the applicant.

Mr.Hiten Venegaonkar with Aayush Kedia and Kumar Shaikh for respondent no.1 UOI.

Mrs.Rutuja Ambekar, APP for the State.

CORAM: BHARATI DANGRE, J.

DATED : 19th OCTOBER, 2022

P.C:-

1 The learned counsel Mr.Mundargi has placed on record an order passed by the Hon'ble Apex Court on 23/9/2022 in case of co-accused Ramchand Karunakaran.

2 On going through the said order, it cannot be disputed that the applicant is entitled for parity as he is seeking bail in the proceedings under the PMLA Act. He was also arrested along with the co-accused Ramchand Karunakaran on the very same day i.e. 19/6/2019 and has completed more than three years of incarceration.

3 The Hon'ble Apex Court, while considering this fact, also noticed that the other accused i.e. accused nos.2, 3, 4 and 7 have never been arrested though cognizance is taken and charges are yet to be framed.

4 Considering these two circumstances, the applicant before the Supreme Court was released on bail by recording as under :-

“8. Considering the entirety of the matter and the fact that the appellant is a senior citizen, in our view, the appellant is entitled to the relief of bail. We, therefore, allow this appeal and while setting aside the order passed by the High Court direct as under:

(a)The appellant shall be produced before the concerned trial Court within three days from today.

(b) The trial Court shall release the appellant on bail subject to such conditions as the trial court may deem appropriate to impose.

(c)The appellant shall deposit his passport, if not deposited earlier, with the trial court.

(d) The appellant shall mark his presence in the office of the Enforcement Directorate every second and fourth Monday between 11.00 am and 1.00 p.m in a register earmarked for the purposes.

(e)The appellant shall not misuse his liberty nor shall he attempt to influence any of the witnesses.

(f) The appellant shall cooperate with the proceedings before the trial Court and shall appear in person unless his presence is exempted by the trial Court.

(g)An infraction of these conditions shall entail in cancellation of the relief for bail.

5 Since Mr.Venegavkar do not dispute that the parity is applicable to the present applicant, I do not see any reason not to extend the benefit of the said order passed by the highest Court of this country to the present applicant. Hence, the following order :-

ORDER

- (a) The Applicant - Arun Kumar Saha in connection with PMLA Special Case No.06/2019 arising out of ECIR No.ECIR/MBZO-I/02/2019 dt. 19/02/2019 registered by Enforcement Directorate, shall be released on bail on furnishing P.R. bond to the extent of Rs.2,00,000/- with one or more sureties of the like amount.

The applicant shall be released on cash provisional bail of Rs.2,00,000/- in lieu of sureties for a period of eight weeks. During the said period, the applicant shall arrange for the sureties.

- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police

Officer. The Applicant should not tamper with evidence.

- (c) The applicant shall mark his attendance with the Enforcement Directorate on 2nd and 4th Saturday between 3.00 pm to 5.00 p.m. The Applicant shall co-operate with the proceedings before the trial Court and shall appear in person unless his presence is exempted by the trial Court.
- (d) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.
- (e) The applicant shall deposit his passport with Investigating Officer.

Any breach of the above conditions imposed on him, would result in revoking his liberty conferred by the above order.

The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)